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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,451	09/28/2001	Joshua W. Kite	BS01-167	1698
45695	7590	07/12/2006		
WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355				
			EXAMINER BATURAY, ALICIA	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/964,451	Applicant(s) KITE ET AL.	
Examiner Alicia Baturay	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-29.


Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


BHARAT BAROT
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant Argues: The cited references fail to disclose storing information from a table such that the information of a relational database is organized according to a wire center identifier of the individual records. It is respectfully submitted that there is not teaching or suggestion of the storage of information from a table such that the information of a relational database is organized according to a wire center identifier of the individual records.

In Response: The examiner respectfully submits that Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). Using this doctrine of broadest reasonable interpretation, the examiner respectfully submits that "storing information from a table such that the information of a relational database is organized according to a wire center identifier of the individual records" can be interpreted as a wire center ID field within an individual database record. The examiner respectfully submits that Sanschagrín teaches storage of information from a table such that the information of a relational database (an exception is reported if the equipment mounting is not found in either database) is organized according to a wire center identifier of the individual records (a location/relay rack terminal identification (TID) information element as information that can be retrieved from the integrated network management/manager (INM) (see Sanschagrín, col. 7, lines 11-30) by querying... by physical identifier (e.g. location/relay rack - see Sanschagrín, col. 7, lines 43-45)).

Applicant Argues: Another feature which is not taught, disclosed, or suggested is the displaying of information of each wire center location in a separate window.

In Response: The examiner respectfully submits that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner respectfully submits that the combination of Sanschagrín, Farris, Grau, Carley, Austin and Crawford teaches...display for each selected location of the wire center that is selected the individual pieces of equipment (Individual LAN maps, each depicting the organizational structure of a campus, are presented on a sub-ordinate level - see Grau, Fig. 6, element 620; col. 7, line 66 - col. 8, line 10 and col. 4, lines 7-12). The combination of Sanschagrín, Farris, Grau, Carley and Austin does not explicitly teach the cascading of windows. However, Crawford teaches the information of each location being displayed in a separate window, and with the windows of the locations being cascaded (to arrange all open windows in an overlapping pattern...as shown in Figure 4-4, right-click a blank spot on the Taskbar and choose Cascade Windows from the shortcut menu - see Crawford, "4.1.3. Manipulating Windows with the Taskbar," Fig. 4-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sanschagrín, Farris, Grau, Carley and Austin in view of Crawford in order to enable cascading of windows. One would have been motivated to do so in order to maintain consistency in expected behaviors when working with multiple windows.

Applicant Argues: Claim 6 specifies simultaneous display of at least two of location information, multiplexer capacity, ADSL capacity, equipment location, slot information, circuit information and system information.

In Response: The examiner respectfully submits that Sanschagrín teaches simultaneous display of at least two of...slot information (slot ID)...system information (network element type - see Sanschagrín, col. 6, lines 10-17).